

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1979BUENOS02501

UNCLASSIFIED

P B1
Page: 1

Channel: n/a

Case Number: S200000044

A110

PAGE 01 BUENOS 02501 01 OF 05 301528Z
ACTION HA-05

INFO OCT-01 ARA-11 IO-14 ISO-00 SSO-00 NSCE-00 INRE-00
ICAE-00 PM-05 SP-02 SS-15 L-03 CIAE-00 DODE-00
INR-10 NSAE-00 PA-01 /067 W

O R 301422Z MAR 79
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 44
INFO USCINCSO QUARRY HTS CZ
AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
USMISSION GENEVA
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO

-----007205 301827Z /53
ARGENTINA PROJECT (S200000044)
U.S. DEPT. OF STATE, A/RPS/IPS
Margaret P. Grafeld, Director
() Release (X) Excise () Deny
Exemption(s): B1
Declassify: (X) In Part () In Full
(X) Classify as C () Extend as () Downgrade to
Date 4/11/01 Declassify on Reason 25X

SECTION 1 OF 5 BUENOS AIRES 2501

E.O. 12065 RDS-4 3-27-99 (CASTRO, RAUL H) OR-M
TAGS SHUM, AR
SUBJECT (U) HUMAN RIGHTS ROUNDUP - FEBRUARY-MARCH 1979

REF: BUENOS AIRES 1189

1. ABDUCTIONS BEING HALTED--
A. REPORTS OF ABDUCTIONS RECEIVED BY HUMAN RIGHTS
ORGANIZATIONS AND THIS EMBASSY SHOW A SHARP DROP IN 1979.
OUR FILES LIST NINE DISAPPEARANCES IN JANUARY, NONE IN
FEBRUARY (SEE BA 2490 PARA 4) AND A POSSIBLE THREE IN MARCH
(SEE AMBASSADOR'S REPORT OF
HIS MARCH 28 TALK WITH GENERAL VIOLA REGARDING THESE
THREE DISAPPEARANCES WHICH VIOLA IS INVESTIGATING (SEE ALSO
FINAL PARA.)
THIS TREND OF THE DATA ON DISAPPEARANCES TENDS TO CONFIRM
NUMEROUS REPORTS REACHING ALL ELEMENTS OF THE EMBASSY
TO THE AFFECT THAT THE GOA HAS ORDERED A HALT TO
EXTRA-LEGAL ABDUCTION OF SUSPECTED SUBVERSIVES AND HAS

PAGE 02 BUENOS 02501 01 OF 05 301528Z

Current Class: [REDACTED]

Page: 1

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1979BUENOS02501

Page: 2

Channel: n/a

Case Number: S200000044

DISBANDED MANY COUNTER-SUBVERSIVE SQUADS.
SENIOR MILITARY AND PRESIDENCIA SOURCES STATE THAT OPERATIONS AGAINST SUBVERSIVES HENCEFORTH WILL BE CARRIED OUT THROUGH NORMAL POLICE PROCEDURES. JUNTA MEMBER GENERAL VIOLA HAS STRESSED THIS POINT SEVERAL TIMES IN RECENT MEETINGS WITH AMBASSADOR CASTRO. BRIG. GENERAL LEPORI, AN ARMY COMMANDER IN MENDOZA, RECENTLY CONFIRMED TO THE DAO HE HAD RECEIVED INSTRUCTIONS THAT ALL DETENTIONS WERE TO BE MADE LEGALLY AND THAT HE WAS STRICTLY FOLLOWING THESE ORDERS. AN ARMY MAJOR IN THE PRESIDENCIA TOLD THE ASSISTANT ARMY ATTACHE THAT BOTH THE PRESIDENCIA AND ARMY HEADQUARTERS HAD ISSUED INSTRUCTIONS TO ALL SECURITY FORCE COMMANDERS TO INSURE THAT NO FURTHER ILLEGAL OPERATIONS TOOK PLACE WITHIN THEIR ZONES OF RESPONSIBILITY.

B. GOA PREPARATIONS FOR IACHR VISIT--

A GOVERNMENTAL TASK FORCE HEADED BY THE MINISTRY OF INTERIOR IS REPORTED TO BE ACTIVELY PREPARING FOR THE MAY 28-JUNE 9 VISIT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR). IN ADDITION TO PRODUCING A THICK BRIEFING BOOK ON THE VISIT, GOVERNMENTAL AND OTHER SOURCES INDICATE THAT THE DECLINE IN DISAPPEARANCES AND OTHER ACTIVITIES REPORTED BELOW ARE RELATED IN SOME DEGREE TO THE IMMINENCE OF THE COMMISSION'S VISIT.

C. PRISON CONDUCT STANDARDS--

SENIOR MINISTRY OF INTERIOR (MININT) OFFICIAL HAS TOLD THE EMBASSY THAT THE PRESIDENTIAL DECREE ESTABLISHING UNIFORM RULES OF CONDUCT AND TREATMENT FOR ALL ARGENTINE PRISONERS IS BEING TYPED IN FINAL AND IS EXPECTED TO BE ISSUED BY THE PRESIDENT IN THE FIRST WEEK OF APRIL. THIS DECREE REPORTEDLY WILL ESTABLISH FOR THE FIRST TIME WRITTEN RULES OF CONDUCT AND NORMS
[REDACTED]
[REDACTED]

PAGE 03 BUENOS 02501 01 OF 05 301528Z

FOR THE TREATMENT OF ALL ARGENTINE PRISONERS -- BOTH CRIMINAL AND POLITICAL.

D. REMOVALS FROM PEN STATUS--

THE MINISTRY OF INTERIOR'S EFFORT TO REDUCE THE NUMBER OF PERSONS BEING HELD BY THE PODER EJECUTIVO NACIONAL (PEN) PRESIDENTIAL DECREES IS CONTINUING. SINCE THE BEGINNING OF 1979 THROUGH MARCH 25, ACCORDING TO THE

Current Class: [REDACTED]

Page: 2

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1979BUENOS02501

UNCLASSIFIED

Page: 3

Channel: n/a

Case Number: S200000044

PRESS, 208 PERSONS HAVE HAD THEIR PEN STATUS REMOVED AND ONLY 24 NEW CASES HAVE BEEN ADDED TO THE PEN ROLLS. BY EMBASSY COUNT THE TOTAL NUMBER OF PERSONS PRESENTLY PUBLICLY RECORDED UNDER PEN IS 2,689. MININT INTERNAL SECURITY DIRECTOR SAN ROMAN TOLD THE EMBASSY THIS WEEK THAT HE HOPED THAT BY THE END OF MAY THE PEN PRISONER POPULATION WOULD BE IN THE NEIGHBORHOOD OF 1,800 PERSONS. SAN ROMAN SAID HIS EARLIER GOAL OF LESS THAN 1,000 PEN PRISONERS PRIOR TO IACHR VISIT DOES NOT NOW SEEM POSSIBLE DUE TO "PROBLEMS WITH THE ARMED FORCES." ACCORDING TO SAN ROMAN, MININT OFFICIALS ARE CONSULTING THE JUDICIARY REGARDING EACH INDICTED PEN PRISONER TO VERIFY THAT THE SUPERVISING JUDGE WILL NOT RELEASE THE "DANGEROUS PRISONER" IF HIS OR HER PEN STATUS IS REMOVED. AS SOON AS THE MINISTRY RECEIVES ASSURANCES, THE PEN DECREE IS REMOVED, AND THE PRISONER REMAINS DETAINED DURING SUBSEQUENT JUDICIAL PROCEEDINGS. MINIT AND FOWG SOURCES HAVE TOLD US THAT SPECIAL ATTENTION IS BEING FOCUSED ON THOSE PERSONS HELD UNDER THE

[REDACTED]
NNN
[REDACTED]

PAGE 01 BUENOS 02501 02 OF 05 301550Z
ACTION HA-05

INFO OCT-01 ARA-11 IO-14 ISO-00 SSO-00 NSCE-00 INRE-00
ICAE-00 PM-05 SP-02 SS-15 L-03 CIAE-00 DODE-00
INR-10 NSAE-00 PA-01 /067 W

-----007450 301828Z /53

O R 301422Z MAR 79
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 0045
INFO USCINCSO QUARRY HTS CZ
AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
USMISSION GENEVA
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO

[REDACTED] SECTION 2 OF 5 BUENOS AIRES 2501

PEN SINCE 1974 OR 1975. MANY OF THESE PERSONS HAVE COMPLETED

Current Class: [REDACTED]

Page: 3

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1979BUENOS02501

UNCLASSIFIED

Page: 4

Channel: n/a

Case Number: S200000044

THEIR CRIMINAL SENTENCES AND CONTINUE TO BE HELD ONLY UNDER THE PEN. ACCORDING TO SAN ROMAN, THE MININT WISHES TO RELEASE TOSE CASES WHICH THEY CONSIDERED TO BE "SMALLFRY" (PEREJIL). (COMMENT: PRESUMABLY THOSE WHO ARE CONSIDERED IN THE "MORE DANGEROUS" CATEGORY WILL CIMPLY REMAIN UNDER PEN.)

THIS MAY NOW BE EASIER AS THE PRESIDENTIAL ADVISORY PANEL, CREATED BY THE RIGHT OF OPTION LAW, HAS ADOPTED ACCORDING TO MININT SOURCE NEW WORKING PROCEDURES ELIMINATING THE VETO POWER OF

THE ARRESTING AGENCY OVER THE RELEASE OR OPTION OF PEN PRISONERS. PRIOR TO 1979, THE APPROVAL OF THE ORIGINAL ARRESTING AGENCY WAS NEEDED FOR ANY REMOVAL OF PEN STATUS. THE RATIONALE OF THE ARRESTING AGENCY FOR CONTINUING THE PEN DETENTION WAS NEVER QUESTIONED OR REVIEWED. HOWEVER, ACCORDING TO THE MININT UNDER THE NEW 1979 GUIDELINES, THE PRESIDENTIAL ADVISORY COMMISSION MAY NOW OVERRULE THE ARRESTING AGENCY'S

[REDACTED]

[REDACTED]

PAGE 02 BUENOS 02501 02 OF 05 301550Z

DECISION NOT TO RELEASE A PRISONER IF IT FINDS THE ARRESTING AGENCY'S JUSTIFICATION INSUFFICIENT. ANOTHER STEP TO REDUCE THE NUMBER OF PEN DETAINEES, ACCORDING TO SAN ROMAN, IS TO PLACE NEW SUBVERSIVE CASES FOR PROCESSING DIRECTLY UNDER THE JURISDICTION OF THE MILITARY OR CIVIL CRIMINAL COURT SYSTEM, INSTEAD OF PLACING THEM AUTOMATICALLY UNDER THE PEN.

1. REPORTED CLOSURES OF DETENTION FACILITIES--
HUMAN RIGHTS AND RELEASED DETAINEE SOURCES HAVE INDICATED THAT A NUMBER OF WELL KNOWN DETENTION FACILITIES HAVE BEEN CLOSED. IN SOME CASES, THIS HAS BEEN CONFIRMED BY GOVERNMENT SOURCES. AMONG THOSE FACILITIES REPORTED CLOSED ARE THE NAVY MECHANICS SCHOOL, THE CAMPO DE MAYO, THE BRIDGE NO 12 FACILITY IN THE TABLADA ARMY GARRISON, LA PERLA ESTANCIA OUTSIDE OF CORDOBA, LA ARANA ESTANCIA OUTSIDE OF LA PLATA (MIXED REPORTS), THE FACILITY AT THE FAMAILLA ARMY BASE IN TUCUMAN. THE EMBASSY HAS BEEN TOLD BY A DOWNGRADING SOURCE THAT ARRANGEMENTS CAN BE MADE FOR ACHR COMMISSIONERS TO VISIT ANY PLACE IN ARGENTINA DURING THEIR VISIT AND THEY WILL BE ENCOURAGED TO VISIT THE NAVY MECHANICS SCHOOL AND THE ARMY'S CAMPO

Current Class: [REDACTED]

Page: 4

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1979BUENOS02501

UNCLASSIFIED

Page: 5

Channel: n/a

Case Number: S200000044

DE MAYO.

F. PRISON REORGANIZATION--

ON APRIL 20 THE GOA EXPECTS TO INAUGURATE THE NEW CASEROS MODEL PRISON IN BUENOS AIRES. THE MINISTRY OF INTERIOR PLANS TO TRANSFER 490 PEN PRISONERS FROM SIERRA CHICA, 220 PEN PRISONERS FROM RESISTENCIA, AND OVER 300 PEN PRISONERS FROM CORONDA TO THE NEW BUENOS AIRES FACILITY BY MID-MAY. THESE MOVES WILL COMPLETE THOSE PRISON CHANGES POSSIBLE BEFORE THE ARRIVAL OF [REDACTED]
[REDACTED]

PAGE 03 BUENOS 02501 02 OF 05 301550Z

THE COMMISSION IN THE GOVERNMENT'S PLANNED PRISON REORGANIZATION. SEVERAL HUNDRED PEN PRISONERS HAVE ALREADY BEEN MOVED TO LA PLATA FROM PRISONS IN THE III CORPS AREA AND FROM SMALL PROVINCIAL JAILS. PEN PRISONERS WILL BE CONCENTRATED IN THE VILLA DEVOTO (WOMEN -- SLATED FOR CLOSING AS PEN HOLDING FACILITY). RAWSON ("VERY DANGEROUS MEN"), LA PLATA AND CASEROS PRISONS. THREE PRISONS -- CORONDA, SIERRA CHICA AND RESISTENCIA -- WHICH ARE REGARDED BY THE IRC AND HUMAN RIGHTS ORGANIZATIONS AS THE WORST OF THE ARGENTINE PRISONS -- WILL NO LONGER BE USED FOR PEN PRISONERS.

2. [REDACTED] HRO PREPARATIONS FOR IACHR VISIT-- ARGENTINE PERMANENT ASSEMBLY FOR HUMAN RIGHTS VICE PRESIDENT EMILIO MIGNONE SPENT A WEEK IN LATE FEBRUARY IN WASHINGTON WORKING WITH THE IACHR STAFF PREPARING FOR THE COMMISSION'S SITE VISIT. MIGNONE INFORMED THE EMBASSY THAT DR. EDGARDO PAZ BARNICA, A HUNDURAN STAFF LAWYER, HAS BEEN APPOINTED TO PREPARE THE COMMISSION'S REPORT. MIGNONE SAID THAT HE SPENT SIX FULL DAYS WORKING WITH DR PAZ BARNICA PROVIDING THE COMMISSION DETAILED INFORMATION REGARDING THE ARGENTINE LEGAL SYSTEM AND THE OPERATIONS OF THE GOA'S ANTI-SUBVERSIVE FORCES. ACCORDING TO MIGNONE, THE COMMISSION HAS A DETAILED OUTLINE OF ITS REPORT IN HAND AND IS NOW FOCUSING ON THOSE AREAS WHICH THE SITE VISIT CAN BE USED TO SUPPLY INFORMATION FOR THE REPORT. THE IACHR IS RECEIVING NUMEROUS DOCUMENTS REGARDING DISAPPEARANCES SENT BY FAMILIES AND GROUPS

Current Class: [REDACTED]

Page: 5

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1979BUENOS02501

UNCLASSIFIED

Page: 6
Channel: n/a

Case Number: S200000044

WHO WANT TO INSURE THAT THEIR COMPLAINTS -- DATING
FROM EARLY IN THIS MILITARY GOVERNMENT TO THE
PRESENT -- ARE ALSO REGISTERED IN THAT FORUM.
MIGNONE SAID THAT THE COMMISSION HAD OVER 1,500
CASES REGISTERED WHEN HE WAS IN WASHINGTON IN LATE

[REDACTED]
[REDACTED]
PAGE 04 BUENOS 02501 02 OF 05 301550Z

FEBRUARY AND WAS RECEIVING 50 TO 60 LETTERS DAILY.

[REDACTED]
NNN
[REDACTED]

PAGE 01 BUENOS 02501 03 OF 05 301810Z
ACTION HA-05

INFO OCT-01 ARA-11 IO-14 ISO-00 SSO-00 NSCE-00 INRE-00
ICAE-00 PM-05 SP-02 SS-15 L-03 CIAE-00 DODE-00
INR-10 NSAE-00 PA-01 /067 W

-----008793 301828Z /53

O R 301422Z MAR 79
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 0046
INFO USCINCSO QUARRY HTS CZ
AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
USMISSION GENEVA
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO

[REDACTED] SECTION 3 OF 5 BUENOS AIRES 2501

A LATER REPORT FROM A BUENOS AIRES HERALD WASHINGTON
STRINGER REPORTED THAT THE COMMISSION HAD OVER 2,500
CASES AND WAS NO RECEIVING 80 LETTERS A DAY. ACCORDING
TO PERMANENT ASSEMBLY SOURCES, THE INTER-AMERICAN
HUMAN RIGHTS COMMISSION IS ESPECAILLY INTERESTED IN
HELP FROM ARGENTINE HRO'S IN IDENTIFYING DIS-
APPEARANCE CASES IN WHICH THERE IS SUBSTANTIAL EVIDENCE
OF THE INVOLVEMENT OF GOVERNMENT SECURITY FORCES. THE
ASSEMBLY HAS CREATED A SMALL TASK GROUP HEADED BY

Current Class: [REDACTED]

Page: 6

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1979BUENOS02501

Page: 7
Channel: n/a

Case Number: S200000044

DR. CONTE-MACDONALD TO IDENTIFY AND DOCUMENT THESE
HARD EVIDENCE CASES FOR THE COMMISSION.

3. (U) JUDICIAL ACTIVITY--
SUPREME COURT INITIATIVES--

A NUMBER OF DECISION HAVE BEEN HANDED DOWN BY
THE SUPREME COURT AND THE FEDERAL CRIMINAL APPEALS
COURT RELATED TO HUMAN RIGHTS QUESTIONS SINCE
DECEMBER, 1978. THE SUPREME COURT'S MARCH 20
DECISION FORCING THE ARMY FIRST CORPS TO RETURN
[REDACTED]
[REDACTED]

PAGE 02 BUENOS 02501 03 OF 05 301810Z

JUDICIAL CUSTODY ARMY NCO BERRUETA WHO WAS UNDER
CIVIL PREVENTIVE DETENTION FOR BRANDISHING A PISTOL
DURING A TRAFFIC DISPUTE AND BERREUTA'S SUBSEQUENT
RETURN BY THE ARMY TO CIVILIAN JUDICIAL AUTHORITY
CAPTURED WIDE ATTENTION IN THE PRESS. (SEE BUENOS
AIRES 2244 AND PREVIOUS)

ALSO RECEIVING WIDE PRESS ATTENTION WAS THE FEBRU-
ARY 27 ORDER OF THE SUPREME COURT FOR A THOROUGH
JUDICIAL INVESTIGATION OF THE DISAPPEARANCE OF
ALFREDO ANTONI GIORGI (EMBASSY CASE NO 681/78/12).
IN THIS CASE THE HIGH COURT CRITICIZED A FEDERAL
DISTRICT JUDGE'S FAILURE TO PROCESS THE ORIGINAL GIORGI
HABEAS CORPUS PETITION FOR THE INSUFFICIENT
REASON THAT HIS XEROX MACHINE WAS NOT WORKING. THE COURT
ORDERED THAT JUDGE BE SELECTED BY LOT
TO CONDUCT A THOROUGH INVESTIGATION OF THE DISAPPEAR-
ANCE. THESE TWO CASES HAVE BEEN WIDELY POINTED TO IN THE
PRESS AND BY GOA OFFICIALS AS DEMONSTRATING THE
INDEPENDENCE OF THE JUDICIARY.

REASONABLENESS OF PEN DETENTIONS--

THE SUPREME COURT ISSUED A SERIES OF DECISIONS ON
JANUARY 12, 1979 IN THE YANEZ, ET AL. HABEAS CORPUS PETITIONS
WHICH ACCORDING TO HUMAN RIGHTS AND BAR ASSOCIATION
SOURCES CALLS INTO QUESTION THE "ZAMARANO DOCTRINE"
WHICH WAS THE BASIS OF THE FEDERAL COURT OF CRIMINAL
APPEALS DECISION IN LATE 1978 ORDERING OVER 160 PEN
PRISONERS FREED BECAUSE OF THE VAGUE AND UNSUPPORTED NATURE
OF THE GOVERNMENT'S JUSTIFICATIONS FOR DETAINING THEM
UNDER THE PODER EJECUTIVO NACIONAL (PEN). THE
ZAMARANO DOCTRINE, FIRST ENUNCIATED BY CRIMINAL APPEALS
COURT IN 1977, HOLDS THAT THE EXECUTIVE POWER MAY ONLY

Current Class: [REDACTED]

Page: 7

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1979BUENOS02501

Page: 8

Channel: n/a

Case Number: S200000044

DETAIN PERSONS UNDER ITS CONSTITUTIONAL STATE OF SIEGE
AUTHORITY FOR SPECIFIC CHARGES RELATED TO THE IMPOSITION
[REDACTED]
[REDACTED]

PAGE 03 BUENOS 02501 03 OF 05 301810Z

OF THE STATE OF SIEGE. THE DOCTRINE FURTHER HOLDS THAT PEN DETENTIONS ARE SUBJECT TO REVIEW BY THE JUDICIARY TO ENSURE THAT EACH DETENTION IS A REASONABLE EXERCISE OF THE STATE OF SIEGE POWER. HOWEVER, IN THE YANEZ, ET AL DECISIONS THE SUPREME COURT OVERTURNED THE FEDERAL CRIMINAL APPEALS COURTS PREVIOUS ORDERS FREEING OVER 100 PEN PRISONERS. THE SUPREME COURT IN A SIMILAR TWO SENTENCE DECISION IN EACH CASE FOUND NO CIRCUMSTANCES "TO DISQUALIFY THE EXERCISE OF THE RIGHT OF THE EXECUTIVE POWER TO CONTINUE TO DETAIN THESE INDIVIDUALS." MOST OF THE PERSONS WHOSE CASES WERE BEFORE THE SUPREME COURT WERE BEING HELD. UNDER PEN FOR REASONS SUCH AS SUSPICION OF ASSOCIATION WITH SUBVERSIVE ORGANIZATIONS, ETC. THE SUPREME COURTS DECISION IS SEEN BY HRO'S AS A SERIOUS WEAKENING OF THE "ZAMARANO DOCTRINE," AND LOWERING THE "REASONABLENESS" STANDARD SO THAT THE GOVERNMENT HAS ONLY TO ASSERT THAT THE DETENTION IS RELATED TO "SUBVERSION" AND NOT TO A SPECIFIC CRIME. THE BUENOS AIREA BAR ASSOCIATION IN A MARCH 16, 1979 STATEMENT PRAISING THE SUPREME COURTS HANDLING OF THE GIORGI CASE CHIDED THE COURT FOR ACCEPTING "UNREASONABLE ANSWERS" TO HABEAS CORPUS WRITS FILED ON PEN PRISONERS. FOLLOWING THE "YANEZ, ET AL." SUPREME COURT DECISIONS, TWO NEW PEN PRISONER HABEAS CORPUS PETITIONS HAVE BEEN DECIDED BY THE COURT OF CRIMINAL APPEALS. THE PRESS REPORTED ON MARCH 20, 1979, THAT THE CRIMINAL APPEALS COURT HAD HELD IN A SPLIT DECISION IN THE CASE OF SARA ADAMCHUCK THAT THE REASON GIVEN BY THE MINISTRY OF INTERIOR FOR THE PEN IMPRISONMENT OF MS. ADAMCHUCK WAS "INSUFFICIENT." THE MININT TOLD THE COURT THAT MS. ADAMCHUCK WAS BEING HELD UNDER PEN DETENTION "FOR HER CONNECTIONS WITH SUBVERSION." THE COURTS MAJORITY SAID THAT "IT IS NECESSARY TO DEMAND THE EVIDENCE TO DETERMINE WHETHER THE BEHAVIOR OF THE DETAINED IS PUNISHABLE BY LAW." THE DISSENTER SAID THAT "GIVEN THE HISTORIC
[REDACTED]
[REDACTED]

Current Class: [REDACTED]

Page: 8

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1979BUENOS02501

Page: 9
Channel: n/a

Case Number: S200000044

PAGE 04 BUENOS 02501 03 OF 05 301810Z

MOMENT THE COUNTRY IS GOING THROUGH" THE ADAMCHUCK

[REDACTED]
NNN
[REDACTED]

PAGE 01 BUENOS 02501 04 OF 05 301756Z
ACTION HA-05

INFO OCT-01 ARA-11 IO-14 ISO-00 SSO-00 NSCE-00 INRE-00
ICAE-00 PM-05 SP-02 SS-15 L-03 CIAE-00 DODE-00
INR-10 NSAE-00 PA-01 /067 W

-----008669 301829Z /53

O R 301422Z MAR 79
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 0047
INFO USCINCSO QUARRY HTS CZ
AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
USMISSION GENEVA
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO

[REDACTED] SECTION 4 OF 5 BUENOS AIRES 2501

DETENTION IS NOT REVIEWABLE BY THE JUDICIAL BRANCH.
THE CASE WAS, AS USUAL, APPEALED TO THE SUPREME COURT.
IN THE CASES OF GARCIA, ET AL. REPORTED IN THE
PRESS ON FEBRUARY 22, 1976, A DIFFERENT PANEL OF THE
CRIMINAL APPEALS COURT FOUND THAT THE GENERIC EXPLANA-
TIONS THAT MS. GRACIA, ET AL WERE BEING HELD "FOR
LINKS WITH SUBVERSION THAT AFFECTS THE COUNTRY" WERE
SUFFICIENT TO MAINTAIN THE PETITIONERS UNDER PEN
DETENTION.

COMMENT: PERSONNEL CHANGES ON THE RECENTLY
REORGANIZED 2 PANE - 6 JUDGE COURT OF CRIMINAL
APPEALS APPEAR TO BE THE EXPLANATION FOR THESE DIVIDED
AND CONTRARY DECISIONS.

SMITH III REPERCUSSIONS--

THE SUPREME COURT'S DECEMBER 21, 1978 DECISION
IN THE SMITH III CASE IN WHICH THE HIGH COURT ADMITTED
THE INABILITY OF THE HABEAS CORPUS PROCEDURES TO DEAL
WITH THE LARGE NUMBER OF REPORTED DISAPPEARANCE CASES

Current Class: [REDACTED]

Page: 9

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1979BUENOS02501

UNCLASSIFIED

Page: 10
Channel: n/a

Case Number: S200000044

INDICATED A DEFINITE PRIVATION OF JUSTICE HAS LED TO
[REDACTED]
[REDACTED]

PAGE 02 BUENOS 02501 04 OF 05 301756Z

A NUMBER OF REPERCUSSIONS. THE COURT'S CALL TO PRESIDENT VIDELA FOR THE EXECUTIVE TO TAKE STEPS TO REMEDY THIS SITUATION TRIGGERED A PRESIDENTIAL REPLY IN AN OPEN LETTER. THE PRESIDENT STATED THAT HE AGREED WITH THE COURT THAT THERE HAD BEEN A SERIOUS DEPRIVATION OF JUSTICE IN ARGENTINA IN RECENT YEARS BUT NOTED THE DIFFICULT PERIOD WHICH THE COUNTRY HAD GONE THROUGH AND STATED THAT ONE OF THE PRIORITIES OF THE MILITARY'S NATIONAL REORGANIZATION PLAN WAS TO REESTABLISH A STRENGTHENED JUDICIAL SYSTEM. THE VIDELA LETTER OCCASIONED FULSOME POSITIVE COMMENTS FROM THE PRESS AND LEGAL COMMUNITY. HOWEVER, EMILIO MIGNONE, ONE OF THE PETITIONER'S LAWYERS IN THE SMITH III CASE PRESENTED THE SUPREME COURT WITH A LEGAL MEMORANDUM ON FEBRUARY 21, 1979 STATING THAT IF THE JUDICIARY COULD NOT PROPERLY FUNCTION AS THE COURT HAD STATED IN THE SMITH III CASE, THE SUPREME COURT MEMBERS HAD AN OBLIGATION TO RESIGN.

4. MISTREATMENT OF PRISONERS REPORTED--

THE DISAPPEARANCE OF A PRISONER NAMED JUAN CARLOS JULLO FROM LA PLATA PRISON IN FEBRUARY 1979 WAS REPORTED BY OTHER PRISONERS TO [REDACTED]

[REDACTED] WHO RELAYED THE STORY TO THE EMBASSY. NEITHER [REDACTED] NOR, APPARENTLY, THE MINISTRY OF INTERIOR HAS BEEN ABLE TO DETERMINE WHETHER OR FOR WHAT PURPOSE HE WAS TRANSFERRED. LA PLATA PRISON OFFICIALS SAY NOW THAT JULLO IS NOT BEING HELD THERE, AND [REDACTED] IS CONTINUING ITS INVESTIGATION. [REDACTED] HAS RECENTLY RECEIVED AN ASSURANCE FROM MININT HARGUINDEGUY THAT PEN PRISONER WOULD NOT BE RELEASED FROM JAIL TO ANTI-SUBVERSIVE UNITS FOR INTERROGATION. THIS PROMISE WAS PROMPTED BY [REDACTED]
[REDACTED]
[REDACTED]

B1
B1
B1
B1
B1

PAGE 03 BUENOS 02501 04 OF 05 301756Z

[REDACTED] COMPLAINT THAT HORACIO ALEJANDRO MICUCCI, A

Current Class: [REDACTED]

Page: 10

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1979BUENOS02501

Page: 11

Channel: n/a

Case Number: S200000044

FORMER LA PLATA UNIVERSITY SCIENCE PROFESSOR, WAS TRANSFERRED FROM LA PLATA PRISON ON AUGUST 4, 1978 AND RETURNED FIVE DAYS LATER AFTER HAVING BEEN INTERROGATED AND TORTURED WITH AN ELECTRIC PICANA. STORIES FROM INMATES AT LA PLATA PRISON OF SEVERE BEATING OF A PRISONER CALLED ORTIZ DURING FEBRUARY ALSO CAME TO [REDACTED] AND IN ADDITION TO THAT AGENCY'S INTEREST THE NUNCIATURA HERE IS LOOKING INTO ALLEGATIONS THAT ORTIZ WAS NOT GIVEN ADEQUATE MEDICAL CARE AFTER HIS MISTREATMENT CAUSED INTERNAL INJURIES. A BEATING THAT RESULTED IN A PRISONER'S DEATH WAS ALSO REPORTED BY PRISONERS TO [REDACTED] AS HAVING OCCURRED AT LA PLATA PRISON DURING FEBRUARY. ALBERTO PINTO, THE VICTIM, WAS AN ELDERLY JEWISH DOCTOR FROM CORDOBA HELD AT PEN DISPOSITION FOR "SEVERAL YEARS." PINTO, AN EPILEPTIC, WAS BADLY TREATED IN CORDOBA BY GUARDS WHO THOUGHT HIS CONDITION WAS FEIGNED AND AN ACT OF "INSUBORDINATION." TRANSFERRED BY MILITARY PLANE TO LA PLATA IN OCTOBER ALONG WITH SOME 100 OTHER CORDOBA PRISONERS, INTO WAS "WORKED OVER" BY THE GUARDS UPON HIS ARRIVAL AT LA PLATA ALONG WITH THE OTHER NEW PRISONERS AND DIED SUBSEQUENTLY OF A PERFORATED INTESTINE. TREATED FOR HIS INJURIES FIRST AT THE PRISON HOSPITAL, PINTO WAS LATER PUT INTO AN OUTSIDE HOSPITAL FOR TREATMENT, WHERE HE DIED IN LATE FEBRUARY.

5. (U) ROCKEFELLER SUPPORTS US HUMAN RIGHTS POLICY-- ACCORDING TO ROCKEFELLER ASSOCIATES HERE, IN HIS MEETINGS WITH PRESIDENT VIDELA AND MINISTER OF ECONOMY MARTINEZ DE HOZ, DAVID ROCKEFELLER, WHO VISITED BUENOS AIRES MARCH 8-9 STATED DURING PRIVATE CONVERSATIONS HIS SUPPORT FOR THE ADMINISTRATION'S HUMAN RIGHTS POLICIES -- THOUGH [REDACTED]
[REDACTED]

PAGE 04 BUENOS 02501 04 OF 05 301756Z

HE EXPRESSED RESERVATIONS ABOUT WAYS IN WHICH THESE POLICIES WERE BEING CARRIED OUT. HIS RESERVATIONS CONCERNED OVERLAPS INTO BUSINESS AND ECONOMICS. ALSO PRESENT FOR THESE DISCUSSION WAS ROCKEFELLER'S LEGAL ADVISOR, WHO OFFERED LEGAL ARGUMENT AND QUESTIONS ABOUT THE STATUS OF THE DETAINED AND DISAPPEARED. VIDELA

Current Class: [REDACTED]

Page: 11

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1979BUENOS02501

UNCLASSIFIED

Page: 12
Channel: n/a

Case Number: S200000044

[REDACTED]
NNN
[REDACTED]

PAGE 01 BUENOS 02501 05 OF 05 302122Z
ACTION HA-05

INFO OCT-01 ARA-11 IO-14 ISO-00 SSO-00 NSCE-00 INRE-00
ICAE-00 PM-05 SP-02 SS-15 L-03 CIAE-00 DODE-00
INR-10 NSAE-00 PA-01 /067 W

-----010402 302128Z /70/53

O R 301422Z MAR 79
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 0048
INFO USCINCSO QUARRY HTS CZ
AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
USMISSION GENEVA
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO

[REDACTED] SECTION 5 OF 5 BUENOS AIRES 2501

C O R R E C T E D C O P Y (TEXT)

AND HIS ADVISORS REPLIED THAT LEGAL MATTERS WOULD BE RESTORED, BUT THAT IN CASES WHERE THERE WAS STRONG SUSPICION OF TERRORIST ASSOCIATIONS BUT NO PROOF THE SUSPECT'S RELEASE WOULD BE DIFFICULT. MARTINEZ DE HOZ ADDED HIS BELIEF THAT PROOF OF TERRORIST ASSOCIATIONS WOULD BE HARD TO PRESENT BECAUSE OFTEN IT DERIVED FROM SECURITY FORCE PENETRATION OF ORGANIZATIONS THAT COULD NOT BE MADE PUBLIC.

6. (U) OPERATIONS AGAINST HRO FAMILIARES DE DESAPARECIDOS Y DETENIDOS--
SPOT REPORTS RECEIVED OVER SEVERAL WEEKS BY THE EMBASSY FROM FAMILY AND FDD SOURCES NOW CAN BE READ TO INDICATE A PATTERN OF OPERATIONS DIRECTED AGAINST THE LEADERSHIP OF THE PARTIDO COMUNISTA ARGENTINA LINKED HUMAN RIGHTS ORGANIZATION -- FAMILIARES DE DESAPARECIDOS Y DETENIDOS POR RAZONES POLITICAS (FDD).
[REDACTED]
[REDACTED]

Current Class: [REDACTED]

Page: 12

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1979BUENOS02501

Page: 13
Channel: n/a

Case Number: S200000044

PAGE 02 BUENOS 02501 05 OF 05 302122Z

SINCE LATE SEPTEMBER 1978, TWENTY-ONE FDD LEADERS AND ASSOCIATES HAVE BEEN ABDUCTED --FOURTEEN WERE SUBSEQUENTLY RELEASED, SIX REMAINED DETAINED UNDER PEN, AND ONE, A CHILEAN, WAS KILLED. ON OCTOBER 14, 1978, A BUSLOAD OF SANTA FE FDD MEMBERS WAS PREVENTED BY SECURITY FORCES FROM ATTENDING A MEMORIAL MASS FOR THE DISAPPEARED IN ROSARIO. THEM MASS ITSELF WAS BROKEN UP WHE SEVERAL UNIDENTIFIED MEN ENTERED THE CHURCH AND DETONATED TEARGAS GRENADES.

THE BOMBING ON FEBRUARY 28, 1979 OF THE HOUSE OF DANIEL ZAPP, THE FDD'S ROSARIO LEADER (HIS CAR WAS BOMBED EARLIER ON OCTOBER 17, 1978) AND THE FIRE BOMBING OF THE AUTOMOBILE OF MR. AND MRS. LUCAS ORFANO, THE FDD'S BUENOS AIRES SECRETARY AND TREASURER RESPECTIVELY FURTHER INDICATE THE NATURE OF THE ANTI-FDD CAMPAIGN. MR. AND MRS. ORFANO HAD RECENTLY RETURNED TO BUENOS AIRES FROM PUEBLA, MEXICO WHERE THEY HEADED THE FDD'S LOBBYING EFFORTS DURING THE LATIN AMERICAN BISHOP'S CONFERENCE. THE COUPLE ALSO REPORTEDLY HAS TWO DISAPPEARANCE CASE INVESTIGATIONS UNDERWAY WITHIN THE IACHR.

THE PERMANENT ASSEMBLY, FDD AND THE LEAGUE FOR THE RIGHTS OF MAN HAVE ISSUED PROTESTS AGAINST THESE ACTONS AND HAVE CALLED ON THE PRESIDENCY AND THE ARMY CORPS COMMANDERS FOR PROTECTION AGAINST THIS CONTINUING INTIMIDATION.

7. [REDACTED] OPEATIONS AGAINST THE PARTIDO SOCIALISTA DE TRABAJADORES (PST) --
REPORTS FROM RELATIVES AND PST PARTY MEMBERS WHO HAVE REPORTED RELIABLE IN THE PAST, INDICATE THAT ARGENTINE SECURITY FORCES HAVE TARGETED THE PST LEADERSHIP AND MEMBERS IN SEVERAL AREAS. THE RECENT ACTIONS AGAINST THE PST BEGAN IN LATE
[REDACTED]
[REDACTED]

PAGE 03 BUENOS 02501 05 OF 05 302122Z

OCTOBER AND EARLY NOVEMBER, 1978 WHEN 13 PST MEMBERS WERE LEGALLY ARRESTED BY PROVINCIAL POLICE IN THE PROVINCE OF SANTA FE. ACCORDING TO PST SOURCES, 12 OF THE ARRESTED MEMBERS WERE BEATEN BUT NOT FURTHER MIS-TREATED. HOWEVER, THE PST PROVINCIAL EADER, EDUARDO ESCAR LOPEZ, WAS REMOVED FROM ROSARIO CENTRAL POLICE

Current Class: [REDACTED]

Page: 13

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1979BUENOS02501

Page: 14

Channel: n/a

Case Number: S200000044

STATION FOR THREE DAYS AND HOSTIELY INTERROGATED. PST PARTY MEMBERS HEREIN BUENOS AIRES HAVE TOLD US THAT HE WAS BADLY BEATEAN AND SCALDED WITH WATER DURING HIS INTERROGATION. AFTER HIS RETURN TO THE PROVINCIAL POLICE, HE WAS HELD INCOMMUNICADO FOR TWO WEEKS WHILE HE RECOVERED. ALL 13 OF THE SANTA FE PST MEMBERS HAVE BEEN CHARGED WITH ILLEGAL POLITICAL ACTIVITY AND POSSESSION OF SUBVERSIVE LITERATURE--ON IS FREED ON BAIL, FIVE ARE HELD UNDER THE PEN, AND THE OTHER SEVEN ARE UNDER A JUDICIAL DETENTION ORDER.

TWO PST MEMBERS WERE ABDUCTED IN LA PLATA ON JANUARY 19, 1979. ACCORDING TO A REPORT BY A FAMILY MEMBER OF ONE OF THE ABDUCTEES, BOTH WERE INTERROGATED WITH US OF AN ELECTRIC PICANA BEFORE GEING TURNED OVER TO THE CIVIL CRIMINAL JUSTICE SYSTEM. BOTH HAVE BEEN CHARGED WITH ILLEGAL POLITICAL ACTIVITES AND HAVE BEEN FREED ON BAIL.

EIGHT PST MEMBERS WERE ABDUCTED IN MAR DEL PLATA IN EARLY JANUARY1, 979. ACCORDING TO PST PARTY LEADER SOURCES, THOSE ABDUCTED WERE PARTY ACTIVITS AND STUDENT LEADERS IN THREE MAR DEL PLATA HIGH SCHOOLS PRIOR TO THE 1976 COUP. LATE ON MARCH 24, 1979, ACCORDING TO A PST SOURCE, THREE PST MEMBERS WERE ABDUCTED IN TIGRE (A NORTHER SUBURB OF BUENOS AIRES). THERE HAS BEEN NO INFORMATION REGARDING THE WHEREABOUTS OF THESE INDIVIDUALS.

AMBASSADOR CASTRO RAISED THESE THREE CASES - THE FIRST SINCE JANUARY -- WITH GENERAL VIOLA ON MARCY 28, PROVIDING THE NAMES AND CIRCUMSTANCES OF THE ABDUCTION AS REPORTED TO US. GENERAL VIOLA SAID HE COULD

PAGE 04 BUENOS 02501 05 OF 05 302122Z

NOT BELIEVE THE REPORT, WOULD INVESTIGATE AND INFORM THE AMBASSADOR OF THE RESULTS.

8. AFATER THIS CABLE PREPARED BY 3/30
GENERAL VIOLAS OFFICE TELEPHONED ASSURING
JS THAT THREE "MARCH DISAPPEARANCES"
ARE PERSONS IN FACT HELD AT TIGRE
POLICE STATION AND THEIR CASES HAVE
BEENSUBMITTED TO JUDGE FOR ACTION.
CASTRO

Current Class: [REDACTED]

Page: 14

UNCLASSIFIED